

Roderick & Solange  
**MacArthur Justice Center**  
NEW ORLEANS

November 20, 2014

Grace Simmons Fisher, Communications Director  
Mississippi Department of Corrections  
723 N. President Street  
Jackson, MA 39202  
gfisher@mdoc.state.ms.us

Via First Class Mail and Electronic Mail

Dear Ms. Fisher or Custodian of Records:

I request a copy of the following records and documents in the custody or control of the Mississippi Department of Corrections (MDOC) be provided to the MacArthur Justice Center, pursuant to the Mississippi Public Records Act, Mississippi Code Ann. § 25-61-1 et seq.:

1. Any records, documents, regulations, protocols, policies, operating procedures, memoranda, emails, or guidelines that direct or discuss how MDOC will or may carry out executions, including drafts, correspondence, notes, or other communication regarding the execution protocol and any changes made to the protocol since February 7, 2014.<sup>1</sup>

2. Any records, documents, regulations, protocols, policies, operating procedures, memoranda, emails or guidelines that direct or discuss how MDOC will or may compound drugs intended or considered for use in executions from raw ingredients or active pharmaceutical ingredients (API). This request includes any documentation of agreements, contractual or otherwise, reached with other individuals, companies, agencies, or organizations for the compounding of such drugs for use by MDOC.

3. From February 7, 2014 to the present, any records, documents, memoranda or emails regarding any and all drugs, including raw ingredients or active pharmaceutical ingredients (API), which MDOC intends to use or has considered for use in executions.

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<sup>1</sup> Previously MDOC provided information declared to be current through February 7, 2014. This included: (a) a "final copy" of a lethal injection policy document (protocol) dated March 7, 2012; (b) a personnel assignment for mock execution list dated September 26, 2013; (c) receiving reports for lethal injection drugs dated June 30, 2011, June 30, 2012, and June 30, 2013. By this request the MacArthur Justice Center seeks any responsive records or documents since February 7, 2014.

4. Any records or documents regarding the expiration date of any and all drugs, including raw ingredients or active pharmaceutical ingredients (API) currently in the possession of MDOC, intended or considered for use in executions. Please provide the exact expiration date (month, day, and year) for any set of drugs, including raw ingredients or active pharmaceutical ingredients (API), to be used to carry out executions in Mississippi.<sup>2</sup> Such records include any communications (electronic or otherwise) containing the above-requested information in the custody of MDOC.

5. From February 7, 2014 to the present, any and all drug inventory logs or drug chain of custody documents related to any drug, including raw materials or active pharmaceutical ingredients (API), intended or considered for use in executions.

6. Any and all records of activity by MDOC from February 7, 2014 to the present to purchase or acquire any drugs, including raw materials or active pharmaceutical ingredients (API), for use in any execution, including purchase orders, invoices, checks, money orders, receipts, memoranda, correspondence (including electronic correspondence), and any other documents whether or not they have been provided to the Department of Finance and Administration and made available through the Transparency Mississippi program.

7. From February 7, 2014 to the present, any and all documents regarding the manufacturers and distributors of any and all drugs, including raw ingredients or active pharmaceutical ingredients (API), intended or considered for use in executions.

8. Any and all documents regarding MDOC purchases from H&W Compounding and/or Brister Brothers Inc. from January 1, 2014 to the present.

9. From February 7, 2014 to the present, any correspondence (including electronic correspondence) between MDOC and any party, including other state departments of corrections, hospitals, pharmacies, and state and federal agencies regarding drugs, including raw ingredients or active pharmaceutical ingredients (API), intended or considered for use in executions.

10. Any correspondence (including electronic correspondence) between MDOC and any party from February 7, 2014 to the present regarding execution protocols, regulations, guidelines, checklists, notes, or other documents that instruct or direct the carrying out of an execution.

11. Any correspondence (including electronic correspondence) between MDOC and the Mississippi Board of Pharmacy from February 7, 2014 to the present regarding drugs intended or considered for use in executions.

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<sup>2</sup> Pursuant to § 25-61-3(b), a public record is defined as "all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body." MDOC previously provided the expiration date of all drugs within the custody of the state execution team through an affidavit of Jim Norris, a Special Assistant Attorney General for the State of Mississippi, on March 10, 2014. By this request the MacArthur Justice Center seeks any responsive records or documents since March 10, 2014.

12. Any correspondence (including electronic correspondence) between MDOC and the state boards of pharmacy in any other state from February 7, 2014 to the present regarding drugs intended or considered for use in executions.

For the purposes of this request, the terms "records" and "documents" are intended to include, without limitation, any and all written, typed, printed, recorded, graphic, computer-generated or other matter of any kind from which information can be derived, whether produced, reproduced, or stored on paper, cards, tapes, films, electronic facsimiles, computer storage devices, or any other medium. They include, without limitation, letters, memoranda (including internal memoranda), calendars, schedules, books, indices, notes, printed forms, publications, press releases, notices, minutes, summaries or abstracts, reports, files, transcripts, computer tapes, printouts, drawings, photographs, recordings (including both videotapes and audiotapes), telegrams, and telex messages, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

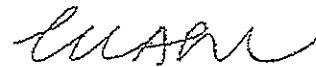
If different divisions or departments of your agency maintain separate custody of records or documents, I request that you direct each division or department that may have records responsive to this request to make those items available to me within the time provided for by the Public Records Act.

I request that copies of the requested information be provided. Payment for such copies will be made immediately upon provision of an invoice. Should expected copying costs exceed \$50.00 please contact me for approval before incurring this expense.

Under the Public Records Act your office has no more than seven (7) working days from the date of this request to produce the responsive records. § 25-61-5(1)(a). Should you wish to raise any question as to whether the requested material is a public record subject to disclosure, you must notify me in writing and provide a statement of the specific exemption relied upon for the denial. § 25-61-5(3). If any public record contains materials which is not exempted under the Act, your office shall redact the exempted material and make the nonexempt material available. § 25-61-5(2); *see also* § 25-61-9(2).

Please contact me at (504) 620-2259 or [emily.washington@macarthurjustice.org](mailto:emily.washington@macarthurjustice.org) with any questions or concerns regarding my request.

Sincerely,



Emily Washington  
Attorney

**Emily Washington**

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**From:** Scott, Tara <TaraScott@mdoc.state.ms.us>  
**Sent:** Thursday, December 11, 2014 2:47 PM  
**To:** Emily Washington  
**Subject:** RE: Open Records Request  
**Attachments:** Lethal Inj Documents1.pdf; Lethal Inj Documents2.pdf; FW: Attached Image; Letter from Gov.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ms. Washington, please see attached documents responsive to your open records request.  
Thanks for contacting the Mississippi Department of Corrections.



Tara B. Scott  
Office of Communications  
Mississippi Department of Corrections – Central Office  
633 North State Street  
Jackson, MS 39202  
601.359.5701  
Fax 601.359.5738  
[www.mdoc.state.ms.us](http://www.mdoc.state.ms.us)









Product Name: Pentobarbital Sodium Power: 5 gm Location: Unit 17

MSDS Sheet: \_\_\_\_\_ Yes \_\_\_\_\_ No

[illegible]

08/02

S.O.P. 17.02.01



[REDACTED]  
Date: [REDACTED]

Facility Name: MAOC

Facility Address: P.O. Box 9

PARCHEMAN, MS 38738

Person requesting to borrow: [REDACTED]

Item(s) Loaned: Vecuronium 10mg Vial QTY: 10 X 10 pks

Item(s) Loaned: [REDACTED] QTY: \_\_\_\_\_

Item(s) Loaned: \_\_\_\_\_ QTY: \_\_\_\_\_

Item(s) Loaned: \_\_\_\_\_ QTY: \_\_\_\_\_

[REDACTED] Staff Signature: [REDACTED]

Received by: [REDACTED]  
[REDACTED] [REDACTED]

[REDACTED]  
Date: \_\_\_\_\_

Facility Name: \_\_\_\_\_

Facility Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Person requesting to borrow: \_\_\_\_\_

Item(s) Loaned: \_\_\_\_\_ QTY: \_\_\_\_\_

Item(s) Loaned: \_\_\_\_\_ QTY: \_\_\_\_\_

Item(s) Loaned: \_\_\_\_\_ QTY: \_\_\_\_\_

Item(s) Loaned: \_\_\_\_\_ QTY: \_\_\_\_\_

[REDACTED] Staff Signature: \_\_\_\_\_

Received by: \_\_\_\_\_  
[REDACTED] [REDACTED]



STATE OF MISSISSIPPI  
MS DEPT OF CORRECTIONS

PO Number [REDACTED]  
Status: Ordered  
Date Issued [REDACTED]  
FY Ending: 2016  
Terms of Payment: Pay immediately due  
Contact Person [REDACTED]  
Email [REDACTED]  
Telephone: N/A  
Fax: N/A

DELIVER TO ADDRESS

1651-A04 - MS DEPT. OF CORRECTIONS  
HIGHWAY 49 WEST  
CENTRAL WAREHOUSE  
PARCHMAN MS 38738

1651-A07 - MS DEPT. OF  
CORRECTIONS  
P.O. BOX 9  
PARCHMAN MS 38738

Notice to Vendor:

Subject to proposals and contract conditions, furnish and deliver items or services listed below.

QTY	UNIT	DESCRIPTION	PRICE
1	EA	POTASSIUM CHLORIDE	\$0.00

Total Value: [REDACTED]

Vendor Instructions:

1. The vendor shall show this purchase order number on all related invoices, delivery memoranda, bills of lading, packages and/or correspondences.
2. A separate invoice, in duplicate, for this purchase order or for each shipment thereon shall be rendered immediately following shipment.
3. All prices, unless otherwise specified, are net, F.O.B. destination, with transportation charges prepaid.
4. Equipment, materials and/or supplies delivered on this order shall be subject to inspection and test upon receipt and if rejected shall remain the property of the vendor.
5. If shipment is made by freight or express the bill of lading, properly receipted, shall accompany original invoice.
6. If not shown on this order, shipping instructions will be supplied by the using department.

M E D I C A L   E X P E N S E S

MDOC  
Patient: MS DEPT OF CORRECTIONS  
RespTy: HIGHWAY 49 WEST  
CENTRAL WAREHOUSE  
PARHAMN , MS 38738

Pharmacy: [REDACTED]

Birth: [REDACTED]

Prescriptions:

Dates: [REDACTED]

Last Fill	Rx #	Drug Name	DAW	Qty	Days	Price
Written	Tx #	Drug NDC	Rph RefAut/Rem/#	Physician		
[REDACTED]	[REDACTED]	POT CHLORIDE 2MEQ/M INJ	0	250	1	[REDACTED]
[REDACTED]	[REDACTED]	MC	1 / 1 / 0	Dr. MS DEPT OF CORRECTION		

Report Date: [REDACTED]

Attested To By: [REDACTED]

Registered Pharmacist

PURCHASING AGENT:

**Emily Washington**

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**Subject:** FW: Attached Image

**From:** Scott, David  
**Sent:** Tuesday, August 12, 2014 3:49 PM  
**To:** Scott, Tara  
**Subject:** FW: Attached Image

FYI

David K. Scott  
MDOC

**From:** Epps, Christopher  
**Sent:** Tuesday, August 12, 2014 3:06 PM  
**To:** McCarty, Rick; Longley, Archie; Vincent, Leonard; Scott, David; JASON DAVIS ([JDAVI@ago.state.ms.us](mailto:JDAVI@ago.state.ms.us)); Lee, Earnest  
**Subject:** FW: Attached Image

Gentlemen, FYI\_ Supt. Lee please make sure \*\*\*\*\* get a copy of this letter. Thanks

**From:** Stuart Tirey [<mailto:Stuart.Tirey@governor.ms.gov>]  
**Sent:** Tuesday, August 12, 2014 2:53 PM  
**To:** Epps, Christopher  
**Subject:** FW: Attached Image

Commissioner,

Please find the attached appointment letter and let me know should you have any questions. If you would like, I can mail you the official copy, but for time purposes, I went ahead and emailed you the letter.

Best,

Stuart Tirey  
Appointments Director  
Office of the Governor  
601.576.2807

**From:** [canon19@governor.ms.gov](mailto:canon19@governor.ms.gov) [<mailto:canon19@governor.ms.gov>]  
**Sent:** Tuesday, August 12, 2014 2:46 PM  
**To:** Stuart Tirey  
**Subject:** Attached Image



PHIL BRYANT  
GOVERNOR

August 14, 2014

Commissioner Chris Epps  
723 N. President St.  
Jackson, MS 39202

Dear Commissioner Epps:

Pursuant to Mississippi Code § 99-19-53, I hereby appoint [REDACTED]  
[REDACTED] and Assistant State Executioner, as the official  
State Executioner. [REDACTED] replaces [REDACTED] and will serve at the will and  
pleasure of the governor.

Sincerely,

  
Phil Bryant  
GOVERNOR

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STATE OF MISSISSIPPI • OFFICE OF THE GOVERNOR

POST OFFICE BOX 139 • JACKSON, MISSISSIPPI 39205 • TELEPHONE: (601) 359-3150 • FAX: (601) 359-3741 • [www.governorbryant.com](http://www.governorbryant.com)